

March 3, 2007

We cannot be an influence against proliferation or use of nuclear weapons while we are using nuclear weapons, as we are doing now and have been for the last year with the encouragement of Congress. The recurrent statements not only by the president and Cheney but by the three leading candidates for president, senators Clinton, and Obama and John Edwards, that all options are on the table in negotiations with Iran pointedly including nuclear options means that the United States is using nuclear weapons in those negotiations.

As had happened many times before, the administration is using nuclear weapons in the way that you use a gun when pointing at someone's head in a confrontation, whether or not the trigger is pulled. If you get your way without pulling the trigger, that is the best use possible of the weapon and a major reason for owning the weapon in the first place. In the past, a number of these occasions of use have been covert, secret from the American public but not from the target of the threat. In a few cases, they have been explicit, overt, however

[If there is another occasion in which leading members of Congress or presidents or candidates have openly joined an administration in these threats, it does not come immediately to my mind. It is possible that this situation is unprecedented].

It is not only the case that we are unable to work effectively against proliferation while using nuclear weapons; we are actively promoting nuclear proliferation and use by our own use of these weapons now. This derives both from the example we are setting that we, the richest and most powerful nation in the world, find it both legitimate and valuable to use our weapons in this fashion, but also by alerting other nations that they need nuclear weapons to deter such threats by the US or by others and to the fact that their own use of such weapons could not be effectively challenged by the US.

This applies not only to our threat of the nuclear option but to our current use of threats of our conventional forces. These threats are made credible not only by verbal statements but very concretely by an almost unprecedented deployment of dual purpose, conventional and nuclear forces in the Persian Gulf.

The incentive given to others to acquire nuclear weapons to deter both nuclear threats and massive threats of conventional forces is strengthened by the very obvious and widely noted contrast in our behavior toward non-nuclear Iran and North Korea. North Korea was subject to both kinds of threats, both under Clinton and in the first term of the Bush administration, and now having acquired nuclear weapons, is no longer encountering the kinds of threats that it faced earlier and which are being waged against Iran at this moment.

The message could not be clearer that a nation without nuclear weapons is vulnerable to “diplomacy” based on a threat of conventional or nuclear attack while a country that has left the NPT and acquired nuclear weapons is freed from such threats.

The simultaneous current cases of negotiations with North Korea and Iran emphasize for the world community how the possession of nuclear weapons affects bargaining relationships. In the case of Iran, the options on the table, for both sides, are asymmetric. (Only the U.S. has the option of initiating nuclear attack (nor does Iran anymore than North Korea have a credible option of initiating major conventional attack upon the U.S.)

This is asymmetry that the U.S. desires to maintain with every nation that does not currently possess nuclear weapons. North Korea was in that position ten years ago but now its option of nuclear retaliation is on its side of the table, effectively neutralizing the US threat either of nuclear attack or of massive non-nuclear attack. As a result, a negotiated agreement is underway even with the Bush administration in which the threat of force does not seem to be effectively on the table on either side. Basically a trade of concessions is emerging. The US in short is advertising the value for other countries of acquiring a nuclear capability.

The North Korean situation also gives the lie to a generations-old axiom of the anti-nuclear movement: that nuclear weapons have no political utility or at least, that their value is limited to deterring nuclear attack.

Would North Korea conceivably agree to this? The world can see clearly not only the contrast with our threats against Iran this very month but the contrast with our challenges to North Korea itself five and ten years ago. This is not the first demonstration of this point. Does Israel find its nuclear weapons useless for anything but deterring nuclear attack? It never has confronted a nuclear adversary, and is proclaiming a determination to never have to. And yet the world can see that if there is ever an abolition of nuclear weapons, Israel will surely be the last to let go of its own weapons.

The same has always been true of China and more recently, Pakistan, and even the UK is demonstrating a willingness to pay an enormous amount of money to modernize its nuclear forces with trident submarines, even in the absent of a plausible adversary, demonstrating that the uses of these nuclear weapons go beyond adversarial relationships.

What the presidential candidates are currently “putting on the table”—which is just what the Administration wants—is a presidentially-initiated conventional or nuclear war against Iran. The candidates and other advocates of “keeping all options on the table” can say, and may even believe, that they are primarily trying to strengthen the president’s hand in negotiations that only he can conduct with Iran. This is, after all, the rationale given both by Senator Kerry and by Senator Clinton in 2002 for their votes in



favor of the Authorization of Military Force (AMF) and Hilary is defending this vote and its rationale to this day.

It is true that as a bargaining threat the credibility and probable effect of such a threat is at its strongest when the president is given a free hand to implement it. (Other than in an exceptional case, which does not apply here, where Congress might be seen as more aggressive than the President). That is especially true if the president himself is seen as somewhat mad; aggressive, reckless, impulsive, volatile, ideological, fanatic, and lacking a realistic sense of possible retaliation. That is of course precisely the case with President George Bush--probably no president has had so great an ability to apply the quote "madman theory," conceptualized by Richard Nixon.

[Given the internal discussion of this theory in the Nixon White House, where both Rumsfeld and Cheney interned, I wonder if there is not explicit discussion going on within this administration of the bargaining power and value of this unquestioned, universal—and well-founded—image of Bush and Cheney; "the bad cop and the worse cop." They are certainly aware of the widespread belief that they are mad and I conjecture that they are not unaware that this can be turned to their advantage in negotiations.]

Indeed, if Congress wanted absolutely to maximize the bargaining power of the president in the ongoing negotiations both with Iran and with US allies over Iran, they could simply do exactly what they did in September 2001, with respect to Afghanistan and October 2002, with respect to Iraq: by joint resolution, delegate the power of decision explicitly to the President in what amounts to an undated declaration of war, open-ended in time and scope, against Iran. They could do this while explaining to their constituents that they have no desire to see an actual war, but quite the contrary to assure that no war is necessary in order to get Iran to concede to our demands. It would be, in other words, a fourth Tonkin Gulf resolution—call the Persian Gulf Resolution—joining the authorizations in 2001 and 2002.

But of course all three of these earlier resolutions did lead to war; the first and third to extremely bad effect (and the second, is looking poorly at the moment). Members of Congress could hardly pretend again that they hoped or expected this president to come back to them before cashing in this blank check. Nor more seriously can they look other than irresponsible and reckless in the eyes of their constituents and US allies, by so openly giving their constitutional power of declaring war to this particular president. It seems obvious even to most Republicans that the judgment at the highest levels of this administration is no more to be trusted than the veracity of their assertions or their use of intelligence.

Nevertheless it is unsettling to imagine President Bush actually asking this Congress to vote on such a resolution right now. There is such a widespread consensus among congressional leaders that a nuclear-armed Iran would be intolerable and that any means are justified in preventing that. That it does not seem unlikely that the President could actually get such an authorization.

(Imagine Senator Lieberman introducing such a resolution with the implicit threat that if the Democrats refused it, he would switch parties, or by the same token if, as discussed below, Congress instead vote a rider to the upcoming Supplemental rejecting any attack on Iran without congressional authorization – a measure that the president himself could not veto without losing the Supplemental—what if Lieberman threatened to switch parties if that rider were adopted? Let me put this nightmare to one side for the moment.)

Thankfully, George Bush seems very disinclined to suggest that he needs or even wants authorization from Congress for his actions, so it seems unlikely that he will actually propose such a resolution.

I propose that Congress should remove the threat of a presidentially-initiated attack—conventional or nuclear—“from the table” in current negotiations with Iran. The reason this has not been done already is, in part, the reluctance of members of Congress and especially presidential candidates to open themselves to the accusation that they are weakening the US position in its negotiations with Iran and lowering the prospect of a negotiated end to the Iranian nuclear program of uranium enrichment. It is true that what I propose does marginally weaken that threat and specifically the “madman” component [It doesn’t eliminate the threat since this president in particular could openly defy Congress either verbally or by actually attacking.

Specifically, even if he found he could not veto the bill without losing the appropriations, he could and very likely would use a signing statement that effectively amounts to a line-item veto, which he has been doing regularly, claiming that he will accept the appropriations “in so far as consistent with the powers of the unitary executive.” If Congress accepted this, as in the recent past, --for instance, on the torture bill—they would be openly complicit in the destruction of the constitution of checks and balances and their own power of the purse. They would be acknowledging and ratifying a basic change in our form of government towards executive dictatorship. And this might well happen. Nevertheless, to avoid this constitutional crisis, by tacitly allowing the president to wage war at his will at whatever the foreseeable consequences is no better a situation.

The reasons it is urgent to reject the “madman theory” and to back off of the current presidential threats against Iran are:

- 1) This president and vice president are mad in all the senses mentioned above.
- 2) There is strong evidence and testimony from insiders that, as in 2002 – Bush and Cheney do not intend, expect, or want a negotiated solution—to the Iran nuclear program. Rather, they want to attack Iran, believing – madly – that this will actually bring about a regime change in Iran favorable to the U.S. In other words, they are neither bargaining nor bluffing with their military threats; rather, it is their alleged interest in a diplomatic approach that is a bluff. (This is probably not



true for Gates and perhaps not for Rice; but in the administration, it is Bush and Cheney who have the votes.)

3) One cannot say with certainty coercive pressure of such threats will not bring about a change in the Iranian program but most experts believe that very unlikely and that they are more likely to strengthen hard-lying factions within Iran. (As an actual attack would do, much more strongly than with virtual certainty.)

Thus, Congress should not vote a new delegation of war powers to the administration. Rather they should remove "from the table" a congressionally-pre-delegated presidentially-initiated war.

The strongest way they can do this is to attach a rider to upcoming Supplemental Appropriations Bill for war spending that no money under this appropriations or any other should be expended on military interventions against Iran except as authorized by Congress subsequent to this bill.

I would personally, strongly prefer that the prospect of an aggressive, preventive war—nuclear or conventional-- against Iran be taken "off the table" unconditionally as both illegitimate and dangerous. That would have a better effect on avoiding global proliferation as well as acknowledging our acceptance of international law. Indeed, an implication that Congress could legitimately authorize first-use of nuclear weapons against Iran or even a conventional attack anymore than the president is both outrageous and dangerous. Yet an unconditional rejection of such a threat would force leading members of congress to reverse their recent public assertions on these matters and that is hardly to be expected in the next week or two when the Supplemental comes before the House and Senate.

By the same token, I would prefer along with the anti-war movement that the Supplemental be rejected all together in favor of a short time table for withdrawal from Iraq, along with a total prohibition of an attack on Iran. However, it seems close to impossible that the current Congress will reject the Supplemental entirely at this time and given the urgency of restraining the president to the fullest extent possible from expanding the war to Iran in the near future it seems to me of the highest priority to forbid him by restrictions on funding from an unprovoked attack on Iran.

The strongest limitation of this approach is that it would not prevent the President from provoking an attack by Iran on US forces in the Persian Gulf or in Iraq or on Israel, or even from falsely claiming (as in Tonkin Gulf case) that an "unprovoked attack" by Iran had unequivocally occurred. And for that matter nothing that Congress can do can absolutely prevent him, simply from launching such an attack in violation of the spending constraint.

Either of these presidential approaches would be strong grounds for immediate impeachment, but that does not assure that impeachment would follow, especially after Iran retaliated to such an attack against US or Israeli forces or citizens. Nevertheless, the

measure proposed here seems the strongest step that anyone can take toward preventing a disastrous war with Iran.

Finally, if successful in avoiding such a war for the rest of Bush's term, it would buy time for a total reversal in US nuclear policy toward a genuine nonproliferation policy, which would depend on a virtually 180 degree turn in US nuclear weapons policy.